

REMARKS

Summary of the Official Action

The foregoing Amendment and Remarks that follow are responsive to the Office Action mailed January 7, 2005. In that Office Action, the Examiner objected to the drawings indicating that the reference character "34" has been used to designate both the balloon and the finger indent. Furthermore, the Examiner objected to the drawings indicating that the drawings must show every feature of the invention specified in the claims and that the "generally oval configuration of the injection control member" must be shown or that such feature should be cancelled in the claims. The Examiner indicated that "the injection control member 52 as seen in the drawings appears to be round".

In addition, the Examiner rejected Claim 18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner indicated that "regarding Claim 18, there is no antecedent basis for the limitation 'handle'". In addition, the Examiner rejected Claims 12-17, 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No.

4,235,343 issued to Thompson in view of U.S. Patent No. 3,910,743 issued to Farrell.

Furthermore, the Examiner rejected such claims (Claims 12-17, 19 and 20) also under 35 U.S.C. § 103(a) as being unpatentable over U.S. Design Patent No. D303,087 issued to Gendron in view of the Farrell reference. The Examiner also rejected Claims 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over the Gendron reference in view of the Farrell reference and further in view of U.S. Patent No. 3,390,415 issued to Sheptak.

Summary of Applicant's Response

By this amendment, Applicant has amended Claims 12 and 18. The proposed amendments are not believed to add new matter or necessitate further searching.

Objection to the Drawings

The Examiner objected to the drawings because reference character "34" was used to designate both the balloon and the finger indent. The Examiner also objected to the drawings for failing to show the "generally oval configuration of the injection control member" as claimed.

By this amendment, Applicant has submitted a replacement drawing sheet in order to address the Examiner's objections. More specifically, Figure 6 has been revised to show that the injection control member is shown in a generally oval shape. In addition, Figure 7 has been revised such that reference numeral 54 now correctly indicates the balloon.

Rejection of Claim 18 Under 35 U.S.C. §112

The Examiner rejected Claim 18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention wherein Claim 18 included a lack of antecedent basis for the limitation for the "handle".

By this amendment, Applicant has amended Claim 18 to recite "a handle" such that the rejection under 35 U.S.C. §112 is now believed to be overcome.

Rejection of Independent Claim 12 Under 35 U.S.C. §103(a) as being unpatentable over Thompson in view of Farrell

In the Office Action, the Examiner indicates that "Thompson teaches the first and second containers where the second container has the recess for holding the first

container and a thickened wall as seen in Figures 2 and 30 which has upper and lower edges." The Examiner then indicates that "The upper edge of wall 30 has a thickened step portion." The Examiner further indicates that "Thompson makes the container from plastic, but does not teach the balloon molding... and that Farrell... teaches molding a plastic container using a molding balloon." (Office Action, Page 4). Finally, the Examiner indicates that it would have been obvious to "employ the apparatus of Farrell to manufacture the container of Thompson to employ a cooling liquid as taught by Farrell." (Office Action, Page 4).

While Applicant agrees with the Examiner that Thompson "teaches the first and second container where the second container has the recess for holding the first container", Applicant respectfully submits that Thompson fails to show or disclose that the "second container... [has] a thickened wall as seen in Figure 2". Furthermore, contrary to Examiner's statement that the "upper edge of wall 30 has a thickened step portion", Applicant further respectfully submits that Thompson fails to show or disclose that the "upper edge of wall 30 has a thickened step portion".

More specifically, Applicant submits that the opposed walls 17 and 18 of the bottle 10 of Thompson intersect the

lower ones of the second walls to form the functional and structural equivalent of the recessed bottom corners of Applicant's invention. Even further in this regard, Applicant submits that nowhere in Thompson is it disclosed that such structural equivalent of the recessed bottom corner in Thompson has a "recess bottom corner wall thickness which is at least identical to the second body wall thickness", as is recited in amended Claim 12 of the application.

Likewise, Applicant submits that Farrell fails to disclose that the pair of recessed bottom corners of the body recess have a recess bottom corner wall thickness that is at least identical to the second body wall thickness. As indicated by the Examiner, Farrell teaches "molding a plastic container using the molding balloon". However, Farrell is not understood to disclose the specific geometry of the second container. Therefore, neither Thompson nor the combination of Thompson and Farrell teaches or suggests the feature of the recessed bottom corner wall thickness being at least identical to the second body wall thickness.

Applicant submits that because Thompson and Farrell, either individually or in combination, fail to teach every element as claimed, the rejection under 35 U.S.C. §103(a) is

overcome. Therefore, Applicant submits that Claim 12 is now believed to be allowable.

Rejection of Independent Claim 12 Under 35 U.S.C. §103(a) as Being Unpatentable Over Gendron in View of Farrell

In the Office Action, the Examiner indicates that "Gendron teaches the first and second containers where the second container has the recess for holding the first container and a thickened wall as seen in Figure 9 on the right edge of the recess." The Examiner then indicates that "Gendron makes the container from plastic... but does not teach the balloon molding." The Examiner finally indicates that "Farrell... teaches molding a plastic container using a molding balloon... and that it would have been obvious to employ the apparatus of Farrell to manufacture the container of Gendron to employ a cooling liquid as taught by Farrell". (Office Action, Pages 5-6).

With regard to the rejection of Claim 12 as described above as being unpatentable over Thompson in view of Farrell, Applicant submits that Gendron also does not teach or suggest the feature of the pair of recessed bottom corners having a recess bottom corner wall thickness which is at least identical to the second body wall thickness, as is recited in

amended Claim 12. Furthermore, Applicant points out that despite Examiner's indication that Figure 9 illustrates a thickened wall on the right edge of the recess, Applicant respectfully emphasizes that it is the recess bottom corners of the body recess wherein the recess bottom corner wall thickness is at least identical to the second body wall thickness.

Therefore, neither Gendron nor Farrell, either individually or in combination, are understood to teach or suggest the feature of the recessed bottom corners having the recess bottom corner wall thickness that is identical to the second body wall thickness. Applicant submits that because Gendron and Farrell, either individually or in combination, fail to teach every element as claimed, a *prima facie* case of obviousness is not established and the rejection is respectfully traversed. As such, the Claims depending from amended Claim 12, namely Claims 13-20, are also believed to be patentable over the cited and applied references.

Conclusion

In view of the foregoing, the application is believed to be in condition for allowance. Entry of the amendments and issuance of a Notice of Allowance is therefore respectfully

requested. Should the Examiner have any suggestions for expediting allowance of the application, please contact Applicant's representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: _____

By: _____



Sean O'Neill

Customer No.: 007663

Registration No. 45,446

STETINA BRUNDA GARRED & BRUCKER

75 Enterprise, Suite 250

Aliso Viejo, California 92656

Telephone: (949) 855-1246

Fax: (949) 855-6371

IN THE DRAWINGS:

Please consider the replacement drawing which is submitted herewith in order to address the Examiner's objection mentioned below. More specifically, Fig. 6 has been revised to illustrate the "generally oval configuration of the injection control member" as recited in paragraph 0053, page 22 of the specification as originally filed. Furthermore, Fig. 7 has been revised to indicate the molding balloon by element numeral "54"